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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,522	04/01/2004	Hideki Kurokawa	P/1866-70	3472

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OSTROLENK FABER GERB & SOFFEN
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NEW YORK, NY 100368403

EXAMINER

RAMPURIA, SHARAD K

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/815,522

Applicant(s)

KUROKAWA, HIDEKI

Examiner

Sharad Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Continued Examination Under 37 CFR 1.114

II. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/19/2007 has been entered.

Disposition of the claims

III. The current office-action is in response to the RCE filed on 01/19/2007.
Accordingly, Claims 1-11 are imminent for further assessment as follows:

Claim Rejections - 35 USC § 103

IV. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novakov [US 6571103] in view of **Pombo et al.** [US 5799256].

As per claims 1, 8, Novakov teaches:

A radio network system having a radio base station (10; Fig.1) connected to a communication line and utilizing radio as data transfer medium and a plurality of radio mobile terminals (26; Fig.1) connected via the radio base station to the communication line and utilizing the radio, (Abstract) wherein:

The radio base station includes means for managing the radio mobile terminal as to whether the terminal is in a power-saving mode for saving power by intermittent power reception and a normal mode with power received at all times on the basis of a predetermined protocol, (i.e. Upon receipt of the call indication (step 68), the local station 10 sends an activation code to the mobile station 26 (step 70). This activation or wake-up code causes the mobile station to end its power saving mode and to resume an active (working) mode of operation; Col.7; 29-34) and

Means for reporting the reception of the inquiry to the radio mobile terminal operating in the power-saving mode to urge the pertinent radio mobile terminal to switch the operation mode to the normal mode. (i.e. activate wake-up code; Col.7; 29-34 and Col.7; 52-61)

Novakov doesn't teach specifically, means for receiving and discriminating broadcast packets traveling over the communication line addressed to the radio mobile terminal operating in the power-saving mode and, when a broadcast packet concerning a physical address inquiry is found among the broadcast packets traveling over the communication line addressed to the radio mobile terminal, responding to the broadcast packet as an agent for the radio mobile terminal to

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solve the physical address inquiry. However, **Pombo** teaches in an analogous art, that means for receiving and discriminating broadcast packets traveling over the communication line addressed to the radio mobile terminal operating in the power-saving mode and, when a broadcast packet concerning a physical address inquiry is found among the broadcast packets traveling over the communication line addressed to the radio mobile terminal, responding to the broadcast packet as an agent for the radio mobile terminal to solve the physical address inquiry, (i.e. searching for the best base station ID; Col.8; 10-45) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Novakov including means for receiving and discriminating broadcast packets traveling over the communication line addressed to the radio mobile terminal operating in the power-saving mode and, when a broadcast packet concerning a physical address inquiry is found among the broadcast packets traveling over the communication line addressed to the radio mobile terminal, responding to the broadcast packet as an agent for the radio mobile terminal to solve the physical address inquiry in order to provide a method of battery saving using prediction of user location, movement and actions.

As per claims 2, 9, Novakov teaches:

A radio network system having a radio base station (10; Fig.1) connected via an external control unit (12; Fig.1) to a communication line and utilizing radio as transfer medium and a plurality of radio mobile terminals (26; Fig.1) connected via the radio base station to the communication line and utilizing the radio, (Abstract) wherein:

The external control unit includes means for managing the radio mobile terminal as to whether the terminal is in a power-saving mode for saving power by intermittent power reception

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and a normal mode with power received at all times on the basis of a predetermined protocol, (i.e. Upon receipt of the call indication (step 68), the local station 10 sends an activation code to the mobile station 26 (step 70). This activation or wake-up code causes the mobile station to end its power saving mode and to resume an active (working) mode of operation; Col.7; 29-34) and

Means for reporting the reception of the physical address inquiry to the radio mobile terminal operating in the power-saving mode to urge the pertinent radio mobile terminal to switch the operation mode to the normal mode. (i.e. activate wake-up code; Col.7; 29-34 and Col.7; 52-61)

Novakov doesn't teach specifically, means for receiving and discriminating broadcast packets traveling over the communication line addressed to the radio mobile terminal operating in the power-saving mode and, when a broadcast packet concerning a physical address inquiry is found among the broadcast packets traveling over the communication line addressed to the radio mobile terminal, responding to the broadcast packet as an agent for the radio mobile terminal to solve the physical address inquiry. However, **Pombo** teaches in an analogous art, that means for receiving and discriminating broadcast packets traveling over the communication line addressed to the radio mobile terminal operating in the power-saving mode and, when a broadcast packet concerning a physical address inquiry is found among the broadcast packets traveling over the communication line addressed to the radio mobile terminal, responding to the broadcast packet as an agent for the radio mobile terminal to solve the physical address inquiry, (i.e. searching for the best base station ID; Col.8; 10-45)

As per claims 3, 10, Novakov teaches:

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The radio network system according to claims 2, and one of claims 8 and 9, respectively, wherein the solving means for the physical address inquiry responds to the broadcast packet as an agent for the pertinent radio mobile terminal without causing the same broadcast packet to be held in the own station. (Col.5; 8-18)

As per claims 4, 11, Novakov teaches:

The radio network system according to one of claims 1 and 2, and one of claims 8 and 9, respectively, wherein the solving means for the physical address inquiry responds to the broadcast packet as an agent for the pertinent radio mobile terminal without sending out the same broadcast packet to the radio transfer line side. (Col.5; 8-18)

As per claim 5, Novakov teaches:

A radio base station (10; Fig.1) connecting a plurality of radio mobile terminals (26; Fig.1) to a communication line by utilizing radio as data transfer medium (Abstract) comprising:

Means for managing the radio mobile terminal as to whether the terminal is in a power-saving mode for saving power by intermittent power reception and a normal mode with power received at all times on the basis of a predetermined protocol; (i.e. Upon receipt of the call indication (step 68), the local station 10 sends an activation code to the mobile station 26 (step 70). This activation or wake-up code causes the mobile station to end its power saving mode and to resume an active (working) mode of operation; Col.7; 29-34) and

Means for reporting the reception of the physical address inquiry to the radio mobile terminal operating in the power-saving mode to urge the pertinent radio mobile terminal to

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switch the operation mode to the normal mode. (i.e. activate wake-up code; Col.7; 29-34 and Col.7; 52-61)

Novakov doesn't teach specifically, means for receiving and discriminating broadcast packets traveling over the communication line addressed to the radio mobile terminal operating in the power-saving mode and, when a broadcast packet concerning a physical address inquiry is found among the broadcast packets traveling over the communication line addressed to the radio mobile terminal, responding to the broadcast packet as an agent for the radio mobile terminal to solve the physical address inquiry. However, **Pombo** teaches in an analogous art, that means for receiving and discriminating broadcast packets traveling over the communication line addressed to the radio mobile terminal operating in the power-saving mode and, when a broadcast packet concerning a physical address inquiry is found among the broadcast packets traveling over the communication line addressed to the radio mobile terminal, responding to the broadcast packet as an agent for the radio mobile terminal to solve the physical address inquiry, (i.e. searching for the best base station ID; Col.8; 10-45)

As per claim 6, Novakov teaches:

The radio base station according to claim 5, wherein the solving means for the physical address inquiry responds to the broadcast packet as an agent for the pertinent radio mobile terminal without causing the same broadcast packet to be held in the own station. (Col.5; 8-18)

As per claim 7, Novakov teaches:

The radio base station according to claim 5, wherein the solving means for the physical address inquiry responds to the broadcast packet as an agent for the pertinent radio mobile terminal without sending out the same broadcast packet to the radio transfer line side. (Col.5; 8-18)

Response to Amendments & Arguments

V. Applicant's arguments with respect to claims 1-11 has been fully considered but is moot in view of the new ground(s) of rejection.

Conclusion

VI. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or EBC@uspto.gov.



Sharad Rampuria
Patent Examiner
Art Unit 2617